

PROSKAUER ROSE LLP
Lloyd B. Chinn (LBC-7953)
1585 Broadway
New York, NY 10036-8299
Telephone: 212.969.3000
Fax: 212.969.2900
Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
FRANCOIS MARLAND

Plaintiff,

against

MATTHEW HEYSEL, and
BIG SKY ENERGY CORPORATION,

Defendants.
----- X

08 Civ. 3751 (LAK) (DCF)
ECF CASE

**UNOPPOSED MOTION FOR
LEAVE TO APPEAR PRO HAC
VICE**

Pursuant to Local Civil Rule 1.3(c), Defendants Matthew Heyssel and Big Sky Energy Group, by their counsel Proskauer Rose LLP, hereby move this Court for an order granting leave to Matthew N. Evans, Esq. and Justin T. Toth, Esq. of the firm Ray Quinney & Nebeker in Salt Lake City, UT to appear *pro hac vice* as counsel for Defendants. The form of such order is annexed hereto. In support of this Motion, defendants direct the attention of this Court to the annexed Certificate of Good Standing and Declarations of Lloyd B. Chinn, Esq., Matthew N. Evans, Esq., and Justin T. Toth, Esq.

Dated: New York, New York
June 16, 2008

Respectfully submitted,

PROSKAUER ROSE LLP

By: 

Lloyd B. Chinn (LBC-7953)

1585 Broadway
New York, NY 10036-8299
212-969-3341
Attorneys for Defendants
Matthew Heysel, and
Big Sky Energy Corporation

PROSKAUER ROSE LLP
Lloyd B. Chinn (LBC-7953)
1585 Broadway
New York, NY 10036-8299
Telephone 212.969.3000
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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCOIS MARLAND	:	
	:	08 Civ. 3751 (LAK) (DCF)
Plaintiff,	:	ECF CASE
	:	
against	:	
	:	<u>DECLARATION OF</u>
MATTHEW HEYSEL, and	:	<u>LLOYD B. CHINN</u>
BIG SKY ENERGY CORPORATION,	:	
Defendants.	:	
-----	X	

Lloyd B. Chinn, being an attorney duly admitted to practice before this court, hereby declares as follows under penalty of perjury:

1. I am a member of the firm Proskauer Rose LLP, counsel of record for Defendants.

2. I am an attorney duly admitted to practice before the courts of the State of New York. I have been a member of the Bar of this Court since 1998, a member of the Bar of the State of New York since 1997, and a member of the bar of the state of Texas since 1992.

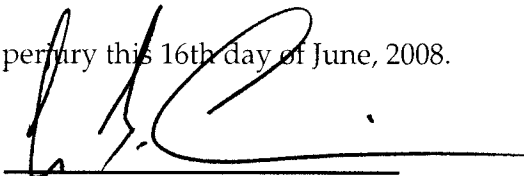
3. Matthew N. Evans is a member of the firm Ray Quinney & Nebeker P.C. of Salt Lake City Utah. Mr. Evans is an attorney duly admitted to practice before the court of the State of Utah, the U.S. District Court for the District of Utah, the Tenth Circuit Court of Appeals and the U.S. Tax Court.

4. Justin T. Toth is also a member of the firm Ray Quinney & Nebeker P.C. of Salt Lake City Utah. Mr. Toth is an attorney duly admitted to practice before the court of the State of Utah., the court of the State of Texas, the United States Court of Appeals for the Fifth Circuit, the United States Court of Appeals for the Tenth Circuit, the United States District Court for the Southern District of Texas, and the United States District Court for the District of Utah.

5. I respectfully submit that the application for admission *pro hac vice* should be granted as to both Mr. Evans and Mr. Toth because each is an able attorney and is familiar with the facts and legal issues in this case. For the foregoing reasons I respectfully request that the Court enter the attached order granting Defendants' Motion for an Order permitting both Mr. Evans and Mr. Toth to appear in this action as counsel for all purposes on behalf of the defendants.

6. We have conferred with counsel for plaintiff, and plaintiff does not oppose this motion.

Signed under the pains and penalties of perjury this 16th day of June, 2008.



Lloyd B. Chinn (LBC-7953)

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Lloyd B. Chinn (LBC-7953)
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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCOIS MARLAND	:	
	:	08 Civ. 3751 (LAK) (DCF)
Plaintiff,	:	ECF CASE
	:	
against	:	
	:	<u>DECLARATION OF</u>
MATTHEW HEYSEL, and	:	<u>JUSTIN T. TOT</u>
BIG SKY ENERGY CORPORATION,	:	
Defendants.	:	
-----	X	

I, Justin T. Toth, hereby declare as follows:

1. I am a member of the law firm of Ray Quinney & Nebeker P.C., counsel for Defendants Matthew Heyssel and Big Sky Energy Corporation in the above-captioned matter.
2. I submit this Affidavit in support of the motion for my admission to practice before this Court in this matter as a visiting attorney pursuant to Local Civil Rule 1.3(c).
3. I practice at Ray Quinney & Nebeker P.C. in Salt Lake City Utah. Ray Quinney & Nebeker's office is located at 36 South State Street, Suite 1400, Salt Lake City, UT 84111. My telephone number is 801.323.3343. My facsimile number is 801.532.7543. My e-mail address is jtoth@rqn.com.

4. I am a member in good standing and eligible to practice before the Bar of the State of Utah, the United States Court of Appeals for the Tenth Circuit and the United States District Court for the District of Utah.

5. I have never been denied admission or disciplined by any court.

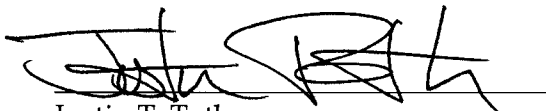
6. I have fully reviewed and am familiar with the Rules of The United States District Court for the Southern District of New York.

7. I will comply with the requirements of Southern District of New York Local Civil Rule 1.3(c) and pay the \$25.00 fee to the Clerk, United States District Court, for my admission as a visiting attorney in this action.

8. Defendants Matthew Heysel and Big Sky Energy Corporation have retained me to advise and represent it in this above-captioned action. There is good cause for my admission as a visiting attorney. Because of my experience in the matters that are at issue in this litigation, I have developed substantial knowledge of the issues involved. I, therefore, respectfully request that this Court exercise its discretion to permit me to appear as a visiting attorney in this action in the same manner as an attorney admitted to practice in the Southern District of New York.

9. For these reasons, I respectfully request that this Court issue an Order admitting me to appear as a visiting attorney in this action as counsel for Defendant.

I hereby certify under penalty of perjury, that the foregoing statements made by me are true and correct.



Justin T. Toth

AO 136

CERTIFICATE OF GOOD STANDING

United States of America

District of Utah


I, D. Mark Jones, Clerk of the United States District Court, District of Utah,
DO HEREBY CERTIFY That

Justin Toft

was duly admitted to practice in said Court on October 19, 1999, and is in good standing as a
member of the bar of said Court.

D. Mark Jones
Clerk

Dated at Salt Lake City, Utah
on June 13, 2008



(By) Deputy Clerk

PROSKAUER ROSE LLP
Lloyd B. Chinn (LBC-7953)
1585 Broadway
New York, NY 10036-8299
Telephone 212.969.3000
Fax 212.969.2900
Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCOIS MARLAND	:	
	:	08 Civ. 3751 (LAK) (DCF)
Plaintiff,	:	ECF CASE
	:	
against	:	
	:	<u>DECLARATION OF</u>
MATTHEW HEYSEL, and	:	<u>MATTHEW N. EVANS</u>
BIG SKY ENERGY CORPORATION,	:	
Defendants.	:	
-----	X	

I, Matthew N. Evans, hereby declare as follows:

1. I am a member of the law firm of Ray Quinney & Nebeker P.C., counsel for Defendants Matthew Heyssel and Big Sky Energy Corporation in the above-captioned matter.
2. I submit this Affidavit in support of the motion for my admission to practice before this Court in this matter as a visiting attorney pursuant to Local Civil Rule 1.3(c).
3. I practice at Ray Quinney & Nebeker P.C. in Salt Lake City Utah. Ray Quinney & Nebeker's office is located at 36 South State Street, Suite 1400, Salt Lake City, UT 84111. My telephone number is 801.323.3359. My facsimile number is 801.532.7543. My e-mail address is mevans@rqn.com.

4. I am a member in good standing and eligible to practice before the Bar of the State of Utah, the U.S. District Court for the District of Utah, the Tenth Circuit Court of Appeals and the U.S. Tax Court.

5. I have never been denied admission or disciplined by any court.


6. I have fully reviewed and am familiar with the Rules of The United States District Court for the Southern District of New York.

7. I will comply with the requirements of Southern District of New York Local Civil Rule 1.3(c) and pay the \$25.00 fee to the Clerk, United States District Court, for my admission as a visiting attorney in this action.

8. Defendants Matthew Heyssel and Big Sky Energy Corporation have retained me to advise and represent it in this above-captioned action. There is good cause for my admission as a visiting attorney. Because of my experience in the matters that are at issue in this litigation, I have developed substantial knowledge of the issues involved. I, therefore, respectfully request that this Court exercise its discretion to permit me to appear as a visiting attorney in this action in the same manner as an attorney admitted to practice in the Southern District of New York.

9. For these reasons, I respectfully request that this Court issue an Order admitting me to appear as a visiting attorney in this action as counsel for Defendant.

I hereby certify under penalty of perjury, that the foregoing statements made by me are true and correct.



Matthew N. Evans

AO 136

CERTIFICATE OF GOOD STANDING

United States of America

District of Utah


I, D. Mark Jones, Clerk of the United States District Court, District of Utah,
DO HEREBY CERTIFY That

Matthew Evans

was duly admitted to practice in said Court on June 12, 1996, and is in good standing as a
member of the bar of said Court.

D. Mark Jones
Clerk

Dated at Salt Lake City, Utah
on June 13, 2008


(By) Deputy Clerk

PROSKAUER ROSE LLP
Lloyd B. Chinn (LBC-7953)
1585 Broadway
New York, NY 10036-8299
Telephone 212.969.3000
Fax 212.969.2900
Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
FRANCOIS MARLAND	:	
	:	08 Civ. 3751 (LAK) (DCF)
Plaintiff,	:	ECF CASE
	:	
against	:	
	:	<u>ORDER OF ADMISSION PRO</u>
MATTHEW HEYSEL, and	:	<u>HAC VICE</u>
BIG SKY ENERGY CORPORATION,	:	
Defendants.	:	
-----	X	

Upon the declarations of Lloyd B. Chinn, Esq., Matthew N. Evans, Esq., and Justin T. Toth, Esq. and the exhibit attached thereto, in support of the within application for admission *pro hac vice* pursuant to Local Civil Rule 1.3(c), it is hereby

ORDERED that Defendants' Motion for Leave to Appear *pro hac vice* is granted, and it is further

ORDERED that Matthew N. Evans, Esq. and Justin T. Toth, Esq. may enter an appearance, sign pleadings, papers and stipulations, conduct discovery and otherwise argue or try this case in whole or in part in all respects as counsel of record for defendants in this action.

Dated: New York, New York
June 16, 2008

SO ORDERED:

Hon. Lewis A. Kaplan
United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on June 16, 2008, I caused to be served a copy of the foregoing document on counsel for Plaintiff, by U.S. mail, as follows:

Andrew W. Hayes, Esq.
Hayes & Maloney LLP
1 Rockefeller Plaza, Suite 1005
New York, New York 10020

A handwritten signature in black ink, appearing to read 'LBC', is written over a horizontal line.

Lloyd B. Chinn (LBC- 7953)